

Forced Marriage Guidance and Procedure

LB Croydon is dealing with an increasing number of forced marriage cases, in common with the national experience. *“Forced Marriage is a term used to describe a marriage in which one or both of the parties are married without their consent or against their will. In a situation where there is a concern that an adult is being forced into marriage they do not or cannot consent to, there will be an overlap between action taken under the forced marriage provisions and the adult safeguarding process. In this case action will be coordinated with the police and other relevant organisations. The police must always be contacted in such cases as urgent action may need to be taken.”*¹

There is a clear distinction between a forced and arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the prospective spouses. In forced marriages, one or both spouses do not (or in the case of some adults at risk, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure or violence.

- Forced marriage is a CRIME. It is a form of violence against women and men, domestic abuse, a serious abuse of human rights, and where a minor is involved, child abuse.
- While it is important to have an understanding of the motives that drive parents to force their children to marry, these motives should not be accepted as justification for denying them the right to choose a marriage partner and enter freely into marriage.
- A person’s capacity to consent can change. With the right support and knowledge, a person with a learning disability may move from a position of lacking capacity to consent to marriage, to having capacity. However, some children and adults with learning disabilities are given no choice and/or do not have the capacity to give informed consent to marriage and all it entails.

Indicators and Warning Signs

These indicators are not intended to be an exhaustive list:

Education

- absence and persistent absence.
- request for extended leave of absence and failure to return from visits to country of origin
- fear about forthcoming school holidays
- surveillance by siblings or cousins at school

¹ London Multi Agency Adult Safeguarding Policies and Procedures (Pan London) 2015

- decline in behaviour, engagement, performance or punctuality
- poor exam results
- being withdrawn from school by those with parental responsibility
- removal from a day centre of a person with a physical or learning disability
- not allowed to attend extra-curricular activities
- sudden announcement of engagement to a stranger
- prevented from going on to further/higher education

Health

- accompanied to doctors or clinics
- self-harm/attempted suicide
- eating disorders
- depression/isolation
- substance misuse
- unwanted pregnancy
- female genital mutilation

Employment

- poor performance
- poor attendance
- limited career choices
- not allowed to work
- unable to attend business trips or functions
- subject to financial control – for example, confiscation of wages/income
- leaving work accompanied
- unable to be flexible in their working arrangements
- police involvement
- family history

Police

- victim or other siblings within the family reported missing
- reports of domestic abuse, harassment or breaches of the peace at the family home
- female genital mutilation
- the victim reported for offences – for example, shoplifting or substance misuse
- threats to kill and attempts to kill or harm
- reports of other offences such as rape or kidnap

- acid attacks

Family History

- siblings forced to marry
- early marriage of siblings
- self-harm or suicide of siblings
- death of a parent
- family disputes
- running away from home
- unreasonable restrictions – for example, kept at home by parents

Potential Motivating Factors for forcing a person into a marriage²

- Controlling unwanted sexuality (including perceived promiscuity, or being lesbian, gay, bisexual or transgender) – particularly the behaviour and sexuality of women
- Controlling unwanted behaviour – for example, alcohol and drug use, wearing make-up or behaving in, what is perceived to be, a ‘westernised manner’
- Preventing ‘unsuitable’ relationships – for example, outside the ethnic, cultural, religious or caste group
- Protecting ‘family honour’ or ‘izzat’
- Responding to peer group or family pressure
- Attempting to strengthen family links
- Achieving financial gain
- Ensuring land, property and wealth remain within the family
- Protecting perceived cultural ideals
- Protecting perceived religious ideals which are misguided
- Ensuring care for a child or adult with special needs when parents or existing carers are unable to fulfil that role
- Assisting claims for UK residence and citizenship
- Long-standing family commitments.

Forced to travel overseas

Naturally forced marriage prevention and post marriage social work are harder when the client is already overseas, because:

- the adult/child may have reduced/removed methods of communication (the individual may not be able to speak the local language).
- the individual may have limited freedom of movement.
- the individual may be held against their will.
- the individual may have less access to travel documents and/or money.

² From: Chapter 3 of “The Right to Choose”, HM Government, 2014

Practitioner:

- To help clients before they travel, where possible advise against travelling when there are fears that a marriage may be forced.
- If someone has travelled and there is a concern and/or evidence that they are being forced to marry then consider seeking consular assistance (via the Police Forced Marriage Unit)

Procedure

Practitioner: Treat all concerns of a potential forced marriage or an adult at risk already in a forced marriage, as an adult safeguarding concern. See section **Error! Reference source not found.** Forced Marriage (Civil Protection) Act 2007. Moreover, the Anti-Social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry. See **Section Error! Reference source not found. Error! Reference source not found.**

When considering the validity of a marriage, particularly a marriage that took place overseas, seek specialist legal advice. However, do not assume that a marriage is invalid because it was forced: this will most often not be the case.

Remember the 'one chance' rule. Professionals may only have one chance to speak to a potential victim and thus they may possibly have only one chance to save a life. If the victim is allowed to walk out of the door without support, that one chance might be wasted.

Do not:

- send the person away
- approach members of the family or the community unless the person expressly asks you to do so
- attempt to be a mediator.

Follow the best practice steps:

- See them immediately in a secure and private place where the conversation cannot be overheard.
- See them on their own – even if they attend with others.
- Explain all the options to the person.
- Recognise and respect their wishes.
- Perform a risk assessment
- If the young person is under 18 years of age, refer them to the designated person responsible for safeguarding children and activate local safeguarding procedures.
- Reassure the victim about confidentiality where appropriate – that is, practitioners will not inform their family.
- Establish a way of contacting them discreetly in the future.

- Obtain full details to pass on to the appropriate team.
- Consider the need for immediate protection and placement away from the family.
- Consider the risk of potential 'honour-based' violence in cases of forced marriage/attempts to force marriage. Consider joint work with the Family Justice Centre and see Croydon Adult Social Care *Domestic Violence Prevention Protocol*.

Follow the steps in this adult safeguarding procedure, giving particular attention to the following:

- Inform them of their right to seek legal advice and representation.
- Put in place an immediate interim protection plan.
- Give the adult at risk, where possible, the choice of the race and gender of the specialist who deals with their case.
- If necessary, ensure records of any injuries and arrange a medical examination
- Give the adult at risk personal safety advice.
- Develop a safety plan in case the adult at risk is seen during meetings, that is, prepare another reason why you are meeting.
- Establish whether there is a family history of forced marriage, that is, siblings forced to marry. Other indicators may include domestic violence, self-harm, family disputes, unreasonable restrictions (for example withdrawal from education or 'house arrest') or missing persons within the family.
- Advise the adult at risk not to travel overseas and discuss the difficulties they may face.
- Identify any other potential criminal offences that may have been committed and refer to the police if appropriate.
- Provide advice on the further service or support they should expect and from whom.
- Ensure that the victim has the contact details for professional help.
- Maintain a full record of the decisions made and the reason for those decisions.
- Keep information from case files and database files strictly confidential and preferably restrict it to named members of staff only.
- Refer the adult at risk, with their consent, to appropriate local and national support groups, counselling services and women's groups which have a history of working with survivors of domestic abuse and forced marriage.
- Encourage the adult at risk to access an appropriate, trustworthy advocacy service which can act on their behalf.

If the person is already married, the marriage can be annulled or the person can become legally separated. Petition must be made to the court within three years of the marriage. In such cases:

- Consider alternative accommodation and safety.
- Consider the Mental Capacity Act in terms of ability to consent to marriage and sexual relationships.
- Consider UKBA action in terms of potential spousal visa applications.

- Discuss the case with the Forced Marriage Unit and consider consular help to help the person return to the UK.

When dealing with such cases, always consult [“The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage” document](#).

For further advice at any stage in a case, you can contact the Government’s Forced Marriage Unit who can offer information and advice on the range of tools available to combat forced marriage, including legal remedies, overseas assistance and advice on how to approach victims. They can be contacted on 020 7008 0151 (Mon-Fri 9.00-17.00) email [**fmufco.gov.uk**](mailto:fmufco.gov.uk).

The danger of involving the family and community

Involving families in cases of forced marriage is dangerous because it may increase the risk of serious harm to the victim. Experience shows that the family may not only punish them for seeking help but also deny that the person is being forced to marry, expedite any travel arrangements and bring forward the marriage.

Involving the family may include visiting the family to ask them whether they are intending to force their child to marry or writing a letter to the family requesting a meeting about their child’s allegation that they are being forced to marry, increasing the danger faced by the individual at risk.

Relatives, friends, community leaders and neighbours should not be used as interpreters – despite any reassurances from this known person.

Legal considerations:

Practitioner: Bring to a Directions hearing:

- short narrative of concerns
- assessment and reviews
- care and support plans/support plans
- Mental Capacity Assessment (where applicable)
- chronology
- your professional opinion evidenced in this documentation

Always consult with LB Croydon Legal before making any such applications.

What to do for individuals who are already married?

If the individual is already married, the marriage can be annulled or the person can be legally separated, but petition must be made to the court within 3 years of the marriage.

Practitioner:

- Consider alternative accommodation and safety.
- Consider the MCA in terms of the person’s ability to consent to marriage and sexual relationships.

- Consider UKBA action in terms of potential spousal visa applications.
- Discuss the case with the Forced Marriage Unit and consider consular help to help individuals return to the UK.